



OVERSIGHT AND  
COMPLIANCE

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER  
9010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-9010

MAY 7 2015

MEMORANDUM FOR GROUP FEDERAL OFFICER  
OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR  
PERSONNEL AND READINESS

SUBJECT: Defense Health Board – Amended Charter and Membership Balance Plan

I have approved the amended charter and membership balance plan for the Defense Health Board (“the Board”), and my office will file the Board’s charter on May 7, 2015, with the Defense Congressional Oversight Committees, General Services Administration, and the Library of Congress. Copies of the amended charter and the membership balance plan will be provided to you and the Board’s Designated Federal Officer (DFO) once the charter is filed.

In consultation with the Office of the General Counsel of the Department of Defense (OGC DoD), I have affirmed that all individuals appointed to the Board, once approved by the Secretary or Deputy Secretary of Defense, will be appointed to serve as special government employee (SGE) or regular government employee (RGE) members, as appropriate. The following points apply:

- (a) Individual members approved for appointment or renewal of appointment according to Department of Defense (DoD) policy, who are not full-time or permanent part-time Federal officers or employees, must be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those who are full-time or permanent part-time Federal officers or employees must be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members.
- (b) Each Board member must be notified, in writing, of the appointment approval authority’s decision. Any questions pertaining to these letters of notification should be referred to me or the appropriate OGC DoD. At a minimum, the letters shall contain the following:
  - i. Notice that each individual’s appointment to serve on the Board is without compensation, with the exception of reimbursement of official Board-related travel and per diem.
  - ii. A statement that each individual is appointed to serve as an SGE or RGE member, as appropriate.
  - iii. An explanation of the difference between serving as an SGE or representative member.
  - iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

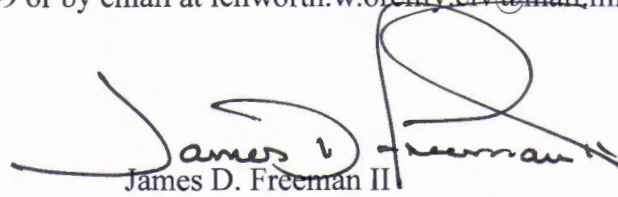
As the Group Federal Officer (GFO) and on behalf of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), you are responsible for:

- (a) Ensuring that the Board's DFO attends all Board and subcommittee meetings for the entire duration of each and every meeting.
- (b) Ensuring that the DFO and the Board fully comply with all governing Federal statutes and regulations, DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," policy decisions by the Secretary of Defense or the Deputy Chief Management Officer, or procedural guidelines issued by the Advisory Committee Management Officer.
- (c) Ensuring all work done by the Board and its subcommittees is based upon written tasks or terms of reference assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the DoD Sponsor. All tasks or terms of reference are subject to public review and, at a minimum, shall include:
  - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
  - ii. Authority for the members of the Board or its subcommittees to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
  - iii. A budget limitation under which the Board or its subcommittees must operate.
  - iv. A date by which the Board must submit its written conclusions (advice and recommendations) to the DoD decision maker.
- (d) Providing adequate support to the Board and its subcommittees and ensuring the Board and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest group.
- (e) Ensuring that all visits to DoD installations or facilities by members of the Board and its subcommittees are done in consultation with the Secretary of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.
- (f) Ensuring all members of the Board and its subcommittees are appointed according to DoD policies and procedures. No member will participate in any work by the Board or its subcommittees until all of the following have been completed: the member completes and submits to the DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office for his or her appointment.
- (g) Ensuring all DoD and other Federal Agency documents provided to the Board or its subcommittees are properly marked according to governing statutes, regulations, and DoD policies and procedures.
- (h) Monitoring the implementation status of any recommendation adopted by the DoD and ensuring that this information is available for future inquiries.

Based on the Secretary of Defense's memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Board's functions and reduce, where

appropriate, the Board's operating costs. As the then-Secretary of Defense Panetta stated, "we must continually assess our advisory committees to ensure that they deliver appropriate value today and in the future as times and requirements change."

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the amended charter, or the membership balance plan, please contact Len O'Reilly, at 703-692-5949 or by email at [lenworth.w.oreilly.civ@mail.mil](mailto:lenworth.w.oreilly.civ@mail.mil).

A handwritten signature in black ink, appearing to read "James D. Freeman II", with a large, stylized flourish extending from the end of the name.

James D. Freeman II  
Advisory Committee Management Officer



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1. Committee's Official Designation: The committee will be known as the Defense Health Board ("the Board").
2. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established this discretionary Board.
3. Objectives and Scope of Activities: The Board provides independent advice and recommendations to maximize the safety and quality of, as well as the access to, health care for Department of Defense (DoD) health care beneficiaries, as set out in paragraph four below.
4. Description of Duties: The Board provides the Secretary of Defense and/or the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the Assistant Secretary of Defense for Health Affairs, independent advice and recommendations on matters pertaining to:
  - a. DoD healthcare policy and program management;
  - b. health research programs;
  - c. treatment and prevention of disease and injury;
  - d. promotion of health and wellness within the DoD and the delivery of efficient, effective high-quality health care services to DoD beneficiaries; and
  - e. other health-related matters of special interest to the DoD, as determined by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R).
5. Agency or Official to Whom the Committee Reports: The Board reports to the Secretary of Defense and/or the Deputy Secretary of Defense, through the USD(P&R). The USD(P&R), pursuant to DoD policy, may act upon the Board's advice and recommendations.
6. Support: The DoD, through the Office of the USD(P&R), provides support for performance of the Board's functions and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$1,422,000. The estimated annual personnel cost to the DoD is 3.2 full-time equivalents.
8. Designated Federal Officer: The Board's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD officer or employee, designated in accordance with established DoD policies and procedures.

The Board's DFO is required to attend at all meetings of the Board and its subcommittee for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly designated to the Board according to established

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DoD policies and procedures, must attend the entire duration of all meetings of the Board and its subcommittees.

The DFO, or the Alternate DFO, calls all meetings of the Board and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Board meets at the call of the Board's DFO, in consultation with the Board's President. The estimated number of Board meetings is four per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Board terminates upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless renewed by DoD.
12. Membership and Designation: The Board is composed of no more than 19 members who are appointed by the Secretary of Defense or the Deputy Secretary of Defense. The members are eminent authorities in one or more of the following disciplines: health care research/academia, infectious disease, occupational/environmental health, public health, health care policy, trauma medicine/systems, clinical health care, strategic decision making, bioethics or ethics, beneficiary representative, neuroscience, and behavioral health. The USD(P&R) selects and appoints the Board's President from the total membership approved by the Secretary of Defense or the Deputy Secretary of Defense.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. Board members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a). Members will be appointed for a term of service of one-to-four years, with annual renewal. No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

Board members are not compensated for service on the Board, but each member is reimbursed for travel and per diem as it pertains to official business of the Board.

Pursuant to DoD policies and procedures, the USD(P&R) may appoint experts or consultants with special expertise to assist, on an ad hoc intermittent basis, the Board or its subcommittees on specific issues. These experts or consultants have no voting rights whatsoever and will not engage or participate in any deliberations by the Board or its



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subcommittees. These experts or consultants, if not full-time or permanent part-time Federal officers or employees, will be appointed pursuant to 5 U.S.C. § 3109, serve as SGEs.

13. Subcommittees: The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R) as the Board's Sponsor.

Such subcommittees will not work independently of the Board and will report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officers or employees.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. All subcommittee members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense to a term of service of one-to-four years, with annual renewals, even if the individual in question is already a member of the Board. Subcommittee member will not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense. Subcommittee members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. The USD(P&R), as the Board's Sponsor, selects and appoints the Board's subcommittee chairs from the total membership of the subcommittee approved by the Secretary of Defense or the Deputy Secretary of Defense. With the exception of reimbursement of official travel and per diem related to the Board or its subcommittees, subcommittee members will serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

Currently, DoD has approved the following permanent subcommittees to the Board:

- a. Health Care Delivery Subcommittee: This subcommittee is composed of not more than nine members, who are eminent authorities in at least one of the following disciplines: health care research/academia, strategic decision making, health care policy and clinical health care.

The subcommittee, when tasked according to DoD policies and procedures, provides advice on matters pertaining to health care delivery, to include DoD health care policy and program management, as well as research.

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- b. Medical Ethics Subcommittee: This subcommittee is composed of not more than five members, who are eminent authorities in at least one of the following disciplines: strategic decision making, clinical health care, and bioethics or ethics. One member must have formal bioethics or medical ethics training or expertise.

The subcommittee, when tasked according to DoD policies and procedures, provides advice on matters pertaining to medical ethics.

- c. Neurological/Behavioral Health Subcommittee: This subcommittee is composed of not more than 10 members, who are eminent authorities in the discipline of neuroscience and behavioral health.

The subcommittee, when tasked according to DoD policies and procedures, provides advice on matters pertaining to psychological/mental health issues and neurological symptoms or conditions among members of the Armed Forces and their families.

- d. Public Health Subcommittee: This subcommittee is composed of not more than 10 members, who are eminent authorities in at least one of the following disciplines: infectious disease, occupational/environmental health, and public health.

The subcommittee, when tasked according to DoD policy and procedures, provides advice on matters pertaining to improving the overall health of members of the Armed Forces and their families through the evaluation of DoD public health programs and initiatives, including education, health promotion, and prevention activities, as well as disease and injury prevention research.

- e. Trauma and Injury Subcommittee: This subcommittee is composed of not more than 10 members, who are eminent authorities in the disciplines of trauma medicine and systems.

The subcommittee, when tasked according to DoD policies and procedures, provides advice on matters pertaining to trauma and injury, to include methods for prevention, recognition, clinical management, and treatment.

- 14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to Section 2, General Records Schedule 26 and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

- 15. Filing Date: December 6, 2015

- 16. Modified: May 7, 2015



Membership Balance Plan  
Defense Health Board

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Defense Health Board ("the Board").
2. Mission/Function: The Board, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and the Assistant Secretary of Defense for Health Affairs (ASD(HA)), provides the Secretary of Defense and/or the Deputy Secretary of Defense independent advice and recommendations to maximize the safety and quality of, as well as the access to, health care for DoD health care beneficiaries, including matters pertaining to:
  - a. DoD healthcare policy and program management;
  - b. health research programs;
  - c. treatment and prevention of disease and injury;
  - d. promotion of health and wellness within the DoD and the delivery of efficient, effective high-quality healthcare services to DoD beneficiaries; and
  - e. other health-related matters of special interest to the DoD, as determined by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R).
3. Points of View: The Board is composed of not more than 19 members who are eminent authorities in one or more of the following disciplines: health care research/academia, infectious disease, occupational/environmental health, public health, health care policy, trauma medicine/systems, clinical health care, strategic decision making, bioethics or ethics, beneficiary representative, neuroscience, and behavioral health.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. Board members, who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees are appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members.

The DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Board. The Department has found that viewing the complex issues facing the Department through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions.

The Board's membership balance is not static, and the Secretary of Defense may change the membership based upon work assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R). The Department, unless otherwise directed by an Act of



## Membership Balance Plan Defense Health Board

Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: NA
5. Candidate Identification Process: The DoD, in selecting potential candidates for the Board, reviews the educational and professional credentials of individuals with extensive professional experience in the areas of health care research/academia, infectious disease, occupational/environmental health, public health, health care policy, trauma medicine/systems, clinical health care, strategic decision making, bioethics or ethics, beneficiary representative, neuroscience, and behavioral health.

Potential candidates are identified by the Designated Federal Officer in consultation with the ASD(HA), their professional staff, and recommendations by current Board members. Once potential candidates are identified, the ASD(HA) review the credentials of each individual and narrow the list of potential candidates. During the ASD(HA) reviews, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Board to achieve expertise in points of view represented and functions to be performed.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for further scrutiny and formal nomination to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list of candidates also undergoes a review by the Office of the General Counsel for the Department of Defense and the Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the Board's charter and membership balance plan. Following this review, the USD(P&R) discusses his or her potential nominees with the Secretary of Defense or the Deputy Secretary of Defense and receives authority to proceed with the individual's nomination.

Pursuant to DoD policy, only the Secretary or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees. The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of members to the Board, for one-to-four year terms of service, with annual renewals. However, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Board. The USD(P&R), as the Board's Sponsor and in consultation with the ACMO, is authorized to administratively certify the appointment of Board members that were previously approved by the Secretary or Deputy Secretary of Defense. Consistent with Deputy Secretary of Defense policy and the authority delegated to the ACMO by the Assistant Deputy Chief Management Officer (ADCMO), the ACMO is authorized to administratively certify the annual renewal of appointment of Board members.

Following approval or authorization to proceed with the appointment by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the

Membership Balance Plan  
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Office of Government Ethics for advisory committee members who are appointed as SGE members.

Membership vacancies for the Board and its subcommittees will be filled in the same manner as described in the previous five paragraphs above.

6. Subcommittee Balance: The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

The Secretary of Defense or the Deputy Secretary of Defense approves the appointment of subcommittee members in the same manner as members of the Board, for a term of service of one-to-four years, with annual renewals. Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matters under consideration.

Consistent with DoD policy, the (USD(P&R) as the Board's Sponsor, in consultation with the ACMO, is authorized to administratively certify the appointment of subcommittee members previously approved for appointment to the Board or any other DoD advisory committee by the Secretary or Deputy Secretary of Defense. If the prospective subcommittee member is not a member of the Board or another DoD advisory committee, then the USD(P&R) will obtain approval or authority to proceed with the appointment in the same manner required of Board members. All individual subcommittee member appointments must be approved in writing according to DoD policy and procedures. Candidates are required to complete the necessary appointment paperwork, to include meeting any ethics requirements stipulated by the Office of Government Ethics for advisory committee members, before the subcommittee members may engage in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those individuals who are not full-time or permanent part-time Federal officers or employees shall serve as RGE members pursuant to 41 C.F.R. § 102-3.130(a). No subcommittee member may serve more than two consecutive terms of service without the Secretary of Defense or the Deputy Secretary of Defense approval.

The Department has approved the following permanent Subcommittees to the Board:

- a. Health Care Delivery Subcommittee: This Subcommittee is composed of not more than nine members, who are eminent authorities in at least one of the following disciplines: health care research/academia, strategic decision making, health care policy, and clinical health care.
- b. Medical Ethics Subcommittee: This Subcommittee composed of not more than five members, who are eminent authorities in at least one of the following disciplines: strategic decision making, clinical health care, and bioethics or ethics. One member must have formal bioethics or medical ethics training or experience.



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- c. Neurological/Behavioral Health Subcommittee: This Subcommittee is composed of not more than 10 members, who are eminent authorities in the disciplines of neuroscience and behavioral health.
  - d. Public Health Subcommittee: This Subcommittee is composed of not more than 10 members, who are eminent authorities in at least one of the following disciplines: infectious disease, occupational/environmental health, and public health.
  - e. Trauma and Injury Subcommittee: This Subcommittee composed of not more than 10 members, who are eminent authorities in the disciplines of trauma medicine and systems.
7. Other: As nominees are considered for appointment to the Board, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Committees, Boards, and Commissions (79 FR 27482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: May 7, 2015